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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO.: CR05-005-RSM
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 TROY VICTOR REPP,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An evidentiary hearing on supervised release revocation in this case was scheduled before
15 me on October 27, 2005. The United States was represented by AUSA James D. Oesterle and
16 the defendant by Timothy R. Lohraff. The proceedings were recorded on cassette tape.

17 Defendant had been sentenced in the District of Oregon on or about September 13, 1999,
18 by the Honorable James A. Redden on a charge of Possession of a Weapon During a Drug
19 Trafficking Crime and sentenced to 60 Months Custody, three years Supervised Release.

20 The defendant was accepted for supervision in this District on April 8, 2004. A violation
21 report and request for transfer of jurisdiction was sent from this District to the District of Oregon
22 on October 22, 2004, based on an allegation that the defendant had violated his supervised release

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01 by using cocaine on October 18, 2004. Additional violations were alleged by the defendant's
02 probation officer while the transfer of jurisdiction was pending, consisting of allegations that the
03 defendant had failed to appear for testing on several occasions and had not commenced outpatient
04 treatment as required. Therefore a request for warrant was presented to Judge Redden, issued,
05 and served on the defendant in this District. Transfer of jurisdiction was accepted by this District
06 on December 29, 2004, and the matter was assigned the above cause number.

07 On January 12, 2005, defendant admitted to violating the conditions of supervised release
08 by failing to participate in a substance abuse treatment program as directed by the probation officer
09 and using controlled substances (cocaine) and failing to submit to urinalysis testing. He was
10 sentenced to 90 days with credit for time served.

11 In an application dated October 5, 2005, Supervising U.S. Probation Officer Steven M.
12 McNickle alleged the following violation of the conditions of supervised release:

- 13 1. Using cocaine on or before September 16, 2005 in violation of standard condition
14 #7.
- 15 2. Failing to notify probation officer of change in employment or residence, 10 days
16 prior to any change, in violation of standard condition #6.
- 17 3. Failing to report for urinalysis testing on April 21, and 27, 2005; June 2, 2005; July
18 26, 2005; August 29, 2005; and September 20 and 28, 2005 in violation of the
19 special condition of drug aftercare.

20 Defendant was advised in full as to those charges and as to his constitutional rights.

21 Defendant admitted each of the alleged violations and waived any evidentiary hearing as
22 to whether they occurred.

01 I therefore recommend the Court find defendant violated his supervised release as alleged
02 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
03 set before Judge Martinez.

04 Pending a final determination by the Court, defendant has been detained.

05 DATED this 28th day of October 2005.

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07 Mary Alice Theiler
08 United States Magistrate Judge

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10 cc: District Judge: Honorable Ricardo S. Martinez
11 AUSA: James D. Oesterle
12 Defendant's attorney: Timothy R. Lohraff
13 Probation officer: Steven M. McNickle
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